

directors and individuals who are officers in banking institutions for these. Does this affect the depositors? No, because those people are guaranteed their \$100,000 reimbursements, up to their amount of insurance. So when they are federally insured, this doesn't affect those payments. These are automatically going to be paid in by the FDIC or the RTC when they go to do it. This bill says that when the federal regulators come to bring an action, against an officer or director, they are going to have to comply with the gross negligence, or willful or intentional misconduct. It's the same standard as the federal government. So what we're doing as a state is saying, federal, if you want to...if you want to bring actions, then you need to comply with your own standard of proof and you can't bootstrap into ours. Now, let's say that, for example, Senator Pirsch, you lost some of your money in a bank and you wanted to bring an action against the officers and directors. You're going to do so in state court using simple negligence or existing state law. I don't change that for you. But if you're the FDIC, I don't want you being able to come in and bootstrap to do that, you ought to comply with what Congress said you should do, and that's gross negligence. Now, why does that make a difference? One is that if we use the higher standard, right now we have a lot of people who are community-minded people, who are business people, just plain individuals who serve as board of directors for banks. This change in the law, all of a sudden, is making them real goosey, and we've got troubles enough getting good and decent people to serve on bank boards of directors and to be officers. And these people are walking away saying, look, I don't want to do that. Well, that's the exact wrong message we want to send. We want, in these times we want the best people we can get to try to serve on these boards of directors. Most of them do so for little or no pay, but do so because of community spirit or whatever. These lawsuits are going to chase these people away. The other one is that most director and officer liability insurance, because they have insurance for these sorts of things, but most all of them have an exception in their insurance policy that says office, or if you're an officer or director, if there's an action brought to you by FDIC or the RTC, we except that out, you're not covered. So all of a sudden these board of directors don't have any insurance coverage for these actions. So that contributes to them not wanting to serve. And, finally, we've got a different treatment in the State of Nebraska. National banks are up on that national standard, our state banks are subject to the ordinary